

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 1-3, 7, 9, 11, 14-18 and 20-24 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the Mukherjee/Said article in view of Washisu and Green.

This rejection is respectfully traversed because the Mukherjee/Said article is not prior art of the present application for at least the following reasons.

Attached hereto is the Declaration under 37 CFR §1.312 by co-inventor Debargha Mukherjee. In the Declaration, Mr. Mukherjee declares that the relevant portions of the Mukherjee/Said article relied upon in the 103(a) rejection of claims 1-3, 7, 9, 11, 14-18, and 20-24, including section 5.3 of the article, are Applicants' own work. Therefore, the relevant portions, including section 5.3, of the Mukherjee/Said article are not prior art of the present application.

Furthermore, the Mukherjee/Said article was cited as being published on November 18, 2002. However, that November 18, 2002 date is for internal accession only (See bottom of page 1 of the Mukherjee/Said article). Thus, the date of November 18, 2002 is not the date that the article was disclosed to the public. The Mukherjee/Said article was disclosed to the public in January 2003 when it was published for the Proceedings of the Society of Photo-Optical Instrumentation Engineers, vol. 5018. *Id.* The filing date of the present application is November 26, 2003. Therefore, the Mukherjee/Said article was disclosed to the public less than one year prior to the filing date of the present application.

In view of the foregoing discussions, it is submitted that the present application cannot be rejected based on the Mukherjee/Said article under 35 U.S.C. §102(a) or 103(a). Accordingly, it is respectfully requested that the rejection of claims 1-3, 7, 9, 11, 14-18 and 20-24 under 35 U.S.C. §103(a) as allegedly being unpatentable over the Mukherjee/Said article in view of Washisu and Green be withdrawn, and all pending claims 1-24 be allowed.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited. Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to Deposit Account No. 08-2025.

Respectfully submitted,

Dated: July 8, 2010

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